

REMARKS

Only new Claims 25 -51 are pending in the present application. Support for such claims can be found in the original claims and specification.

In the Office Action of September 5, 2003, the Examiner wrote that Claims 1-14 and 17-20 were allowable to the extent that such claims read on elected subject matter. Applicants' attorney reviewed such claims and noted certain typographical errors, the use of the term preferably in such claims, and that such claims could be read to extend beyond the elected subject matter. Rather than amending such claims, Applicants are submitting new Claims 25-51.

Claims 1-20, 22 and 23 are canceled without prejudice. Claims 21 and 24 where previously cancelled by preliminary amendment.

Restriction Requirement

I. Election With Traverse

Applicants affirm the provisional election of Group XII and their traversal of the restriction requirement.

II. Basis For Traverse

The present restriction requirement is based on 35 U.S.C. § 121 and 35 U.S.C. § 372.

According to 35 U.S.C. § 121 restriction requires that the inventions restricted be independent and distinct. According to MPEP § 803, a restriction requirement between patentably distinct inventions is only proper when

- 1.) The inventions are independent or distinct; and
- 2.) There is a serious burden on the Examiner if restriction is not required.

The present restriction requirement contends that the inventions claimed by Applicants lack unity of invention - there is no indication that such inventions are independent and distinct.

Applicants respectfully contend that the assertion that certain inventions lack unity of invention, without more, does not demonstrate that such inventions are independent and distinct. As a result of the foregoing, Applicants respectfully request that the present restriction requirement be withdrawn.

Appl. No. 10/019,177
Atty. Docket No. CM2175
Amdt. Dated December 4, 2003
Reply to Office Action of September 5, 2003
Customer No. 27752

Objections

Claim 15 is objected to as being improper form for having multiple dependencies. Applicants obviated such objection by canceling Claim 15.

Rejections Under 35 U.S.C. § 112

In the September 5, 2003, Office Action Claims 16, 22 and 23 were rejected under the second paragraph of 35 U.S.C. § 112. Applicants obviated such rejection by canceling Claims 16, 22 and 23.

Rejections Under 35 U.S.C. § 101

In the September 5, 2003, Office Action Claims 16, 22 and 23 were rejected under 35 U.S.C. § 101. Applicants obviated such rejection by canceling Claims 16, 22 and 23.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 25 - 51. If any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Respectfully submitted,

Busch et al.

By _____

James F. McBride
Attorney for Applicant(s)
Registration No. 43,784
(513) 627-0079

December 4, 2003
Customer No. 27752
(Amend.-Resp. to OA 06172003)